IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13991 of 2004

Between:

1. P.Ramesh, S/o.Vishwanadham, r/o TRT-147 & 148, Jawaharnagar, RTC Cross Roads, Hyderabad.

2. Smt.P.Jayasree, W/o P.Ramesh, r/o TRT-147 & 148, Jawaharnagar, RTC Cross Roads, Hyderabad.

...PETITIONERS

AND

1. The MCH, rep., by its Commissioner, Tank Bund, Hyderabad.

2. The Deputy Commissioner, MCH, Circle-III, Abids, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the action of the 2nd respondent and their staff in threatening to demolition the structures of the petitioners' house bearing No.1-1-18/197 & 198 (TRT 147 & 148) situated at Jawaharnagar, RTC Cross Roads, Hyderabad, without issuing any notice and without providing any opportunity is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents and their staff not to interfere with the possession of the petitioners' house in any manner.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: MR.RAMA RAO GANTA, Standing Counsel for

Municipal Corporation of Hyderabad.

The Court at the admission stage made the following:

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ORDER:

The petitioners who are husband and wife claim to have purchased the house/houses bearing municipal Nos.1-1-18/197 & 198 (TRT 147 & 148) at Jawaharnagar, RTC Cross Roads, Hyderabad under two registered sale deeds. It is their grievance that though they reconstructed the houses after obtaining permission from the Municipal Corporation of Hyderabad ('the Corporation' for short) the officials of the second respondent, without issuing any notice, at the instance of local persons came to the house and threatened with demolition. The second petitioner herein produced all the documents and permission granted by the Hyderabad Municipal Corporation, in vain. Therefore, the present Writ Petition is filed.

After obtaining instructions, learned counsel Sri Srinivas Chowdary, representing Sri Ganta Rama Rao, learned Standing Counsel for the Corporation submits that the allegations in para Nos.5 and 6 of the Writ-affidavit are not true and the officials of the Corporation never went to the premises of the petitioners. In that view of the matter, this Court observes that the Writ Petition is filed on mere apprehension without any concern to the facts and cause of action.

The Writ Petition is, therefore, dismissed.

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(V.V.S.RAO, J)

9th August 2004

RRB

Copy To:

1. The Commissioner, MCH, Tank Bund, Hyderabad.
2. The Deputy Commissioner, MCH, Circle-III,
   Abids, Hyderabad.
3. Two CD copies.